IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 9576 of 2007(M)

PETITIONER:

V.RAMACHANDRAN, ASSISTANT ENGINEER,
INTERNAL AUDIT WING, FINANCE & ACCOUNTS OFFICE,
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM,
(NAGAMADOM, PELA(PO), MAVELIKARA-3).

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS:

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1. TRAVANCORE DEVASWOM BOARD REPRESENTED
BY ITS SECRETARY, THIRUVANANTHAPURAM.

2. CHIEF ENGINEER (GENERAL),
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM.

BY ADV. SRI.D.SREEKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.9576 of 2007

Dated this the 29th day of March, 2007

JUDGMENT

The petitioner is working as Assistant Engineer in the service of the first respondent Board. Disciplinary proceedings were initiated against him, and pursuant to that, he was placed under suspension for the following periods:

1) 28.3.1990 to 10.1.1991
2) 7.1.1992 to 28.12.1993
3) 6.5.1997 to 30.9.1997

2. The disciplinary proceedings were finalised and each spell of suspension had come to an end. As far as the first spell of suspension is concerned, the respondent had passed order dated 10.9.1991 regularising that period, as far as the second spell is concerned, the respondent passed order dated 5.11.1993 and as far as the third spell is concerned, the respondent passed order dated 24.1.1998. The petitioner approached this Court by filing Writ Petition No.22546/2004 praying for a direction to the

respondent Board to pay him arrears of pay, increments, pay revision benefits, grade fixation, DA arrears, leave surrender benefits, special duty allowances and other allied benefits without delay. A Division Bench of this Court as per Ext.P1 judgment passed on 11.7.2005 considered the issue and after hearing both sides, disposed of the same as follows:

> "This writ petition is disposed of directing the respondents to fix the salary and allowances of the petitioner and also the arrears of increment and pay revision benefits and grade fixation and all other attended benefits within a period of one month from today. The petitioner must also be paid all the amounts due to him after adjusting the amounts due from him within a further period of one month from the date of fixation of the amounts due to him."

3. The petitioner has now approached this Court after filing Ext.P3 representation before the respondent raising objections against the orders of regularisation passed on 10.9.1991, 5.11.1993 and 24.1.1998. The inspiration for filing a representation in the nature of Ext.P3 appears to be a government circular issued on 26.11.1994 with regard to the manner of regularisation of the periods of suspension.

4. Counsel for the respondents submits that the petitioner

shall not be permitted to rake up settled issues and that too on the basis of government orders which might have come to his notice after the disposal of the writ petition filed earlier in the year 2004 vide Ext.P1 judgment.

5. I find merit in the above objection raised by the Standing Counsel for the respondents. The issues were considered and settled by a Division Bench of this Court as per Ext.P1. Petitioner's grievances touching the manner in which the period of suspension was regularised, ought to have been raised before the Division Bench in W.P.(C)22546/2004. At this distance of time, the petitioner is not justified in filing a representation in the nature of Ext.P3 attempting to rake up matters which were settled long back. The writ petition is devoid of merit. Dismissed.

K.K.DENESAN, JUDGE

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